

by some sufficient designation, and is instructed to state them, I can see no reason why he should not do so. It would prevent the necessity of shifting claims, or the vouchers of claims, from one cause to another, and thereby obviate much inconvenience.

Some of the claims are reported not to be sufficiently proved, and perhaps there may be some doubt of the sufficiency of the proof of claim No. 26, I shall, therefore, pass an order, giving liberty to take further proof, and direct the Auditor to state a final account, excluding all claims which may not be sufficiently proved at the time.

ALEXANDER AND DULANEY, for Complainants.

NELSON AND DONALDSON, for Defendants.

<p>LEVI HUGHES, ADM'R OF JOSIAH HUGHES, VS. MAY JONES, ADM'R DE BONIS NON. C. T. A. OF LESSEE HUGHES.</p>	<p>}</p>	<p>MARCH TERM, 1851.</p>
---	----------	--------------------------

[EFFECT OF A JUDGMENT AT LAW—RULES OF EVIDENCE—ACTION OF DETINUE—
SUIT FOR MESNE PROFITS—JURISDICTION.]

A PARTY who relies upon a judgment, is not restricted to the record itself, but may show, by evidence *dehors*, what matters were litigated between the parties and decided by the court.

The complainant, the administrator of A., who died in 1821, recovered, in May, 1839, in an action of detinue, several negro slaves from the defendant, the administrator of B., and then filed his bill in equity for the recovery of their hires and services from the death of A. In the pleadings in the action at law, the parties do not appear in their representative characters. **HELD—** That it was competent for the complainant to show, by evidence, that the title to these negroes, as derived by the parties from their respective intestates, was put in issue and decided in the case at law; and, that from the time of the institution of that action, the verdict and judgment are conclusive between them.

Yet, the effect of this recovery is not, by retro-action, to be considered as concluding the parties from all examination into the title, from the death of A., in 1821.

The action of detinue proceeds upon the ground of property in the plaintiff, at